



Town of Jericho
Development Review Board

Town of Jericho
Development Review Board
Jericho Town Hall
Thursday, April 14, 2016

Minutes

Members Present: Barry King, Joe Flynn, Stephanie Hamilton, Bruce Jacobs, Jeff York
Members Absent: None
Guests: Michelle Patrick (Zoning Administrator), Jim Carroll, John Abbott, Jason Cheney, Stuart Alexander

MEETING AGENDA

- A request by Mark Fasching, Christa Alexander, and the Town of Jericho for conditional use approval for General Outdoor Recreation in the River Overlay District, site plan approval for a parking area, and a variance to construct the parking area in the front yard setbacks. This parcel is located in the Agriculture Zoning District.
- Approve minutes from March 10, 2016.

Mr. King called the public meeting to order at 7:00 p.m. He read the warning. He asked the members to disclose any conflicts of interest or ex parte communication. There was none. Mr. King read the Interested Persons Law. The public was sworn in at 7:05 p.m.

1. Organizational Matters.

On a motion by Mr. Flynn, seconded by Ms. Hamilton, the DRB unanimously appointed Mr. King as the Chair for a term ending Town Meeting 2017. On a motion by Ms. Hamilton, seconded by Mr. York, the DRB unanimously appointed Mr. Flynn as the Vice Chair for a term ending Town Meeting 2017.

2. A request by Mark Fasching, Christa Alexander, and the Town of Jericho for conditional use approval for General Outdoor Recreation in the River Overlay District, site plan approval for a parking area, and a variance to construct the parking area in the front yard setbacks. This parcel is located in the Agriculture Zoning District.

Applicant's Presentation

Mr. Carroll and Mr. Abbott introduced themselves as members of the Trails Committee. Mr. Carroll said they are talking about the Governor Chittenden Mansion property on Route 117, which includes about 80 acres of farm land that is now owned by Mark and Christa from Jericho Settlor's Farm. He stated the existing fishing access is the principal point of discussion; after the former owners of the property gifted an easement to the Land Trust and to the Town for a recreational path on this property, an application was submitted to the Town and it was approved approximately two years ago. Mr. Carroll stated the approval lapsed due to the passage of time without a construction permit being pulled. He said we are here tonight, first, to make an improvement to the existing fishing access that is already there; a pretty significant improvement because right now when you pull off the road you are on an angle similar to this, so it is hard to get out and cars will spin their tires to get out. He said it is a completely non-compliant access.

Mr. Carroll stated that the Town Engineer Mike Wisell's design takes advantage of a longer inlet back by the telephone pole, towards Skunk Hollow Road, into the same parking area, so that you have a much longer access at a lower grade so you can get in and out. He said we met with, a year or so ago, and we got the Vermont Agency of Transportation (AOT) highway access permit as amended access and it complies B61, which is the grade of that entrance. He noted that right at the top of that page, that shadowed area right there, is the new compliant access off of a State highway and that is a really big deal. Mr. Carroll said it is hard to get; if you have ever tried to get an access permit off of a State highway, it is almost as hard as getting an EB5 program. He said this is an improvement and unfortunately the more competent people we hire, the harder these things get, so we have to check on some of this.

Mr. Carroll said when Michelle was going through our re-application, she determined that the setback from Route 117, the parking area that is already there and is laid out in here, is within the 35' setback from Route 117, so we need a variance for that. He stated my argument, which is in my cover letter, is that we meet all five of the criteria, in my opinion for a variance under Vermont statutes, which is essentially that:

- We didn't create the hardship;
- There is no other practical solution;
- There isn't any use for the property; and
- It is the most minimal of the improvements that could be done.

Mr. Carroll stated it is in writing, it is in there. He said first of all, we have the State AOT permit; this is a really good, new entrance. He added that we are picking up some really good new benefits, in that to protect this area, which has been abused by people who are using it for other purposes. Mr. Carroll said we are putting posts in to control it after dusk. He noted that it stops the stormwater from coming off of Route 117, sweeping across the gravel parking lot and running down below. He said Mike's design diverts the water coming off of Route 117 to the right and essentially the whole area to the right is a major, large, probably 8" minus gravel fill that the State of Vermont has over time filled the whole area along Route 117 with gravel.

Mr. Carroll said that if we divert that water over there it just disappears into the gravel down below, which is where the trail would go. He said this is a really good thing, it stops the water from running down the gravel and it takes that access, which if we were sitting down there today where we are showing the parking area, if you just drove towards Route 117, that is how you get in and out. He said that by putting the elongated driveway in, over to the other side, we have now taken a non-compliant, hazardous condition and made it much better.

Mr. Carroll stated that because of our own regulations, we need a variance for the setback; we need site plan approval because we are changing this; and then because the pathway is determined to be recreational, apparently you cannot have a good time in the Agriculture Zone in Jericho anymore unless you get a conditional use permit, so we will be pursuing that with the Planning Commission. He stated I think it is absurd that you have a conditional use requirement anywhere in the Town of Jericho for doing that which the Town Plan and all of us want, which is encouraging multimodal use. He said he thinks asking for conditional use is what they are here for tonight, but he doesn't think they should have conditional use requirements anywhere, in any zone in Town for a trail, sidewalk, or multimodal path; it is contradictory to the purpose of our Town Plan because we really would like to see people walk more.

Mr. Carroll said that covers all of what we are doing here. He indicated on the plan, saying taking off from here, we are going to go down an existing terrace that was created by the State adjacent to Route 117 until we get to the first agricultural field in front of the mansion on the western side; we will climb a slope there, then we will pretty much hang in all along the existing agricultural field because it is too steep immediately along the Winooski River. He stated that as we get closer to the middle of the property, it widens out and creates the opportunity for us to get closer to the Winooski and that is where we run into what I have come to know, it looked to me like thin bamboo, is actually knotweed which is taking over the whole flat area along the river.

Mr. Carroll said he has now discovered that knotweed is an edible and part of his commercial is that if we put all this in and get down there we can put up a sign saying “come get your free knotweed” and everybody who wants to eat vegetables will hopefully take some home and eat it. He said this stuff is nasty because it drives out the natural stuff along the bank that holds when it floods and the volume of water is high. He said knotweed is a very top-heavy weed with a poor root structure, so it tips over and rips out the embankment because it killed off the other vegetation, you now have more erosion and the knotweed goes downstream and does the same thing every place downstream.

Mr. Carroll said the reason we have knotweed is that people didn’t take care of it upstream. He stated we walked the trail using a GPS locator and because we have so many overlapping regulations; one of the things because we are in a flood plain overlay, we have to have a certification that we are not creating an obstruction within the flood plain that is going to increase the burden of the flood zone, so we got a letter from an engineer, with a stamp on it, which says that which is fairly obvious that a sidewalk, pathway, or multimodal pathway is not going to create a hydraulic obstruction. He said we got past that burden.

Mr. Carroll stated that you people are apparently in charge of managing the floodway, even though it is a federal and state thing, it gets delegated to you, so that is your authority; so if you give us permission you keep us out of the Army Corps of Engineers and the State Agency of Natural Resources. He said our intention is to go all the way along the Governor Chittenden property, over to where the bridge is on the far end and that little short course is what we are trying to accomplish. Mr. Carroll said we are going to use the best access basis; we have a limited budget and we are trying to get the Youth Corps down there. He stated that in order to get the Youth Corps, because they get money from the feds, we have got to do an archeological study to determine whether our non-hydraulic, multimodal path is going to interfere with the 9,000-year-old arrowhead collection. He said he is hoping we can get this done before he passes away.

Mr. Abbott stated the important thing to emphasize is that without the variance and the ability for people to park, it really makes no sense to proceed with trail construction. He said unfortunately, we have known the limited parking access and the trail is going to function in a manner that people would use the existing parking lot with the improvements and have the ability to hike up-river and down-river, but we don’t have any parking at the terminus for either end of the trail. Mr. Carroll said the parking is there and what we are trying to do is make it safer. He discussed example of how it can be used without any of the improvements being proposed. He stated I think this is a really good thing to do and I can’t think of any reason why we wouldn’t want to do it.

Mr. Carroll said the other thing, going back to the variance, is that we have hardscape immediately adjacent to the river and we have Route 117, and this is the space in between those two things, so I can’t move it. He stated there is no place else for me to put it to try to construct something

immediately adjacent to the river and I know I won't live long enough to get that permit from the Army Corps of Engineers to build something in the flood plain. Michelle clarified that the parking lot isn't in the floodway and it isn't in the flood zone; it is in our River Overlay District, but that can be approved conditionally by the DRB, which is why it is listed as conditional use. She said the other reason why this needs conditional use approval is because there are two kinds of recreation the Town offers: passive recreation, just a trail with nothing else; and general outdoor recreation that involves some sort of outdoor structure and when the Engineer was looking this over, he said you are definitely going to need a stream crossing right here. Mr. Abbott asked where.

Ms. Patrick indicated the location on the plan. She said we need to put a structure there; it is outside of the flood hazard area, but it is in the River Overlay District, so that is a conditional approval by the DRB. Mr. King clarified this is warned as conditional use approval for general outdoor recreation in the River Overlay District, so the definition of general outdoor recreation is passive recreation but where a structure is required. Ms. Patrick agreed. Mr. King noted that sort of use is a conditional use in the River Overlay; it is not prohibited in any way, so that is not the variance. Ms. Patrick said no. Mr. King clarified what is actually required here is: site plan approval for the parking area; a variance because the parking area as proposed violates the front yard setback and the applicant covered what the criteria are for a variance and we discussed it at sketch. He said we have a couple of different approvals required for this change of use, so everyone is clear.

Mr. Carroll said with respect to the stream crossing, there is already a culvert there. He stated our plan was to use or create a boardwalk that couldn't possibly become a floating object or downstream barrier if it ever were to wash out. He said my plan is to use two pieces of road barrier with pressure treated boards, basically making a cheap bridge so you can walk across without going down into the ravine; galvanized guard rails with pressure treated boards bolted to it. Mr. Carroll said that wouldn't impede water flow because it is only that thick; it is just long enough to get across the ravine and it would be the equivalent of a boat anchor, it is not going anywhere if there is a flood condition. He said by definition the Engineer must think that is a structure; or a culvert which is already up-stream.

Mr. Carroll said that if anybody had a problem with that, we can go up and sculpt the side of Route 117 and go over the culvert that is already there; it certainly wouldn't be the nicest trail in the world, but we are not going to do anything to create an obstruction or hazard. He stated we already have culverts carrying water under Route 117 now; they have already put one of what I am talking about in farther to the west. He said if everybody buys into my mini homemade bridge, that is what we would like to do; if not, we will basically negotiate with AOT because they are the principal concern of that and I suspect they would probably do that because it is within the right of way and I don't think they need permits from anybody. Ms. Patrick said if we were to operate within the right of way, we would need a permit. Mr. Carroll stated but if they did. Ms. Patrick said we will cross that bridge if we come to it. Mr. Carroll stated we are hoping it doesn't come to it.

Board Questions

Mr. Flynn said Mr. Carroll spoke in regards to the bridge and the Engineer's letter and so on; the Engineer's certification is pretty clear that it has to be outside the floodway. He asked if the bridge is inside or outside the floodway. Ms. Patrick responded that it is outside of the floodway. Mr. Flynn stated as long as we follow the rules and the Engineer's certification that is what we need to do. Ms. Patrick said the orange area is the Special Flood Hazard Area, that extends beyond the floodway.

Mr. Flynn asked Ms. Patrick how that works into Section 8.3.2, asking if that is what is applicable here or if it is just the FEMA (Federal Emergency Management Agency) map that governs on that. Ms. Patrick said this was produced by Dave Conger, but in terms of it being outside the floodway and the Special Flood Hazard Area, that was just determined by mapping and not by an elevation. Mr. Flynn asked for clarification of what the governing rule is. Ms. Patrick looked it up.

Mr. Flynn asked, in regards to the plan, some revisions were circulated that Mr. Carroll did. Mr. Carroll said he added pages of construction details to the original site plan, which are intended for maintenance of the agricultural use of the property where I am essentially armoring the curves because when they go in with a tractor and a hay wagon that is going to go outside of the travelled way as defined by Mike. He said that by armoring that, all I am talking about using is 6" minus rip-rap with topsoil on top of it so that when the wagon goes outside of the traveling way it won't tip over in the soft soils. He stated we are essentially not changing Mike's plan; we are just making the shoulder firmer because Mark's concerns were that he is more likely to have the wagon tip over if he went over there now, but he couldn't make the radius turns.

Mr. Carroll said Mark had two concerns: 1) with his one ton truck towing a livestock trailer to bring the sheep down to the lower meadow going towards Skunk Hollow Road, he didn't think he could get around the radius and I agree; so all we did is armor those corners so on the inside edge of both corners, as you are coming in the one on the left and as you get down lower the one on the right; armor those corners so as the truck goes around on the travelled course if the trailer drifts off the side it is not going to get into muck. He stated that is the principal difference from the original plan, just a construction detail where we would put the heavy material and extend the fabric over to the shoulder, but we are not going to advertise that it is wider and we are going to sign it so that we are not encouraging parking there. He said you, Mark, and I will know it is there, but it is not going to be advertised as a parking space.

Mr. Flynn stated he had two things in regard to that: 1) when you add rip-rap is that increasing the impervious; are we still going to be under the stormwater impact; and 2) I noticed on the sketch because the hardening of one edge, you look like you have some changes in culvert detail that Mike has, asking what is going on with that. Mr. Carroll responded that we are extending the culvert length to get it past the hardening; it is the same culvert, just longer. Mr. Flynn clarified when you say longer, are you going more into the farm road. Mr. Carroll responded no, going out of the farm road; going farther west. Mr. Flynn asked if you are going to end up with a steeper grade on your culvert. Mr. Carroll said no, it will stay at the same elevation.

Mr. Carroll stated if you look at it, I have 486 to 488, so the culvert will be a bit longer, but it is not going to be steeper. He said let's just imagine there is a foot and a half difference in the grade, I would put it down deeper to maintain the same flatness coming down. He noted there is not a lot of stormwater coming into that area; saying let me go back to your first question about impervious surface, impervious surface is defined as a surface and compacted gravel for example I don't think is an impervious surface as far as the State of Vermont is concerned. Mr. Carroll said we are going to put topsoil, seed, and grass on top of it, so the only time you are going to go onto it is if the trailer goes off to the side. Mr. Flynn clarified you are saying that because you are topsoiling it, it doesn't count as impervious surface, even though underneath it is rip-rap or plant mix gravel. Mr. Carroll agreed, noting he is going to put fabric on it and underneath it, so that as the infiltration occurs, whatever infiltration will occur on those soils, we are not going to interfere with that; all we are doing is keeping the soils from compacting when a vehicle drifts over onto them, it is a hardened shoulder.

Mr. Carroll said we don't want it to look like a traveled way; we want it to look like a grassed area where people won't park or drive onto it. He said that is our intention, just for Mark and Christa's use for the agriculture, that is the only reason for these changes; that was the only way we could get past their objections to what it was previously. Mr. King asked what the total amount of impervious surface is that is created by this. Mr. Carroll responded I would guess that there is about the same, or less because we are putting that green space between the existing parking and the road that isn't there now and I would speculate that is equal to 60% or 70% of the increase, which is the new entrance. He said the rest of this stuff is all there; there is already a compacted gravel driveway going down. He stated I would say there might be 400 or 500 square feet of increased impervious surface, but it is flatter and so the water that is coming off of Route 117 isn't going to go onto impervious surface anymore, it is going to get caught by the greenway buffer between the parking and Route 117 and it is going to be gently sloped to the east.

Mr. King asked what the total impervious area is that is created by this plan as it is proposed. Mr. Carroll stated he did not calculate it and he thinks Mike drew it by hand, so he doesn't know that he calculated it. Mr. King asked whether you can clarify as it is actually proposed, not the old plan, where is the exit of the culvert. Ms. Patrick asked Mr. Carroll to point on the screen and he did. Mr. King and Mr. Carroll discussed the location of the culvert. Mr. King said what you are showing there just uphill of the gate posts is the exit of the culvert. Mr. Carroll agreed, saying there is a ditch here. Mr. York clarified the location of the variance, asking why can't this whole thing drop down farther. Mr. Carroll discussed the possibility, noting the issues with the topography and soils. He stated I think when Mike drew it, he pretty much optimized it in every respect to be the most functional alternative.

Mr. Flynn clarified if you do drop it, are you talking major disturbance and would that put it into the River Overlay. Ms. Patrick said yes, essentially there is about 65' of space between the right of way and the FEMA Special Flood Hazard Area, so if you push that back 35' you are left with 30' to put in parking spaces that are required to have dimensions of 18' in length and a parking aisle of 24'. Mr. Flynn added a 24' turnaround space is also needed. Ms. Patrick agreed, saying there is just not enough room to do it up to the Town's standards. Mr. Carroll said logistically, to build it I would have to start at the bottom of the hill and bring probably 3' to 4' of 8" to 10" stone to build it up the same way they have built up Route 117 because I would have to use very heavy ballasts and I would have to use fabric. He said right now that is a stable, natural area.

Mr. York said one of the five criteria is whether there is another way to build it and there is another way to build it, but you would still require a variance. Mr. Carroll agreed, saying he would end up triggering the need for a variance on the other side because of the flood zone, which he is not sure he could get. Ms. Hamilton said for the parking area, where is the boundary of the right of way and how much further down is it from the easement you were given. Mr. Carroll stated I think the variance is everything above my finger towards Route 117. Mr. Flynn agreed, noting the location of the right of way. The DRB members and Ms. Patrick discussed the location of the right of way. Mr. Carroll said part of the driveway and the parking is in the variance. Mr. Flynn said almost the whole thing. Mr. Carroll stated I don't think the road requires the variance; I think it is the parking that requires the variance because obviously you can have an entrance through a setback, but you cannot have parking in a setback. He said I think it is the fact that the parking is in that 35' from the setback.

Mr. Flynn asked if you would have to shove it back 20'. Mr. Carroll responded probably 25'; over in this area where the driveway. He said I have applied for variances many times and this is one of the

few instances I can say I have been down there 20 times and have talked to Mike and I can't think of another way to make it work that I don't step on another regulatory grenade. Ms. Hamilton asked whether Mike helped him draw up the original parking lot and he altered it himself. Mr. Carroll responded no, I left the first two pages alone and I altered the construction details; in order to negotiate with the landowners, the users, to get them to support the approval as approved, I had to make these modifications. He stated Mike's original design wasn't satisfactory to the owners because it interfered with the agricultural use. Ms. Hamilton clarified you altered it, so was that what was given to David Conger to look at. Ms. Patrick said yes, I gave that to him. Ms. Hamilton clarified he has seen it with the hardened edges and everything. Mr. Carroll agreed.

Mr. Flynn asked if Mike is available to redraft it. Mr. Carroll said he tried a number of times to get Mike to come out of retirement to no avail. He said we have to follow the low impact because this isn't more than an acre of impervious area, so I don't need a State general permit; I just have to follow the best practices guidelines for the low impact and that is what our intentions to do are, to follow the exemptions guidelines for what it is we are doing. He stated I think we have proved it because we are going to make the ditch on the uphill side, which I think is the most significant, we are going to make it better and we are going to pitch it to the side where he just had a barrier there. Mr. Carroll said usually when we get to this level of detail it is the contractor who is trying to make the best judgement you can in the field and once we get down off the slope here, it is all ledge and as you get out to the river it is all scrubbed bare and you can literally sit there and fish from the rock because the river and everything else is cut down into it.

Mr. Flynn said if you go forward with this plan Mike's stamp has to come off of it. Mr. Carroll said no, the first two pages are Mike's plan and the second two pages are just construction detail; this was more for the negotiation with the landowners. Mr. King asked Michelle what the amount is for the stormwater management threshold of a certain amount of impervious surface which then triggers the need for a stormwater plan. Ms. Patrick said she thought it was an acre; this is not over an acre of impervious surface; you are right the calculations aren't there. Mr. Carroll stated the calculations are not there because we are below it; I don't need a State general permit for this structure. Mr. King stated I am trying to elicit reliable testimony as to whether or not this requires a State general permit, so far I have not gotten any. Mr. Flynn said typically on these you are going to see an impervious statement and it is not that it can't be done, it is not a difficult thing to do. Mr. Carroll asked if it was on the full size plan. He suggested a condition pending documentation.

Ms. Hamilton asked about the easement that was originally given to Lacy, was that somehow mentioned when it was assigned to Mark and Christa. Mr. Carroll explained an easement is a grantor and grantee; the grantor was the owner of the land and the grantee was the Land Trust and the Town; it is a blanket easement; it is not a specific 6' wide as surveyed; it is a blanket easement that covers wherever we happen to put the trail. He said that was already a burden in favor of the Town and the Land Trust when the grantor granted the remaining, shall we say limited property to Mark and Christa; nobody can take that easement away other than the grantee choosing to give it back to the grantor. He explained how easements work and transfer with the property perpetually.

Mr. Carroll stated Joe pointed out, which is not a bad idea, once we have it built, it is probably better to have it surveyed and have what I call a quieting deed where the grantor and the grantee agree that is a compliant use of the easement. He said it is a good thing to be more specific. Mr. Flynn said that wouldn't be a bad thing to clear it up for the Town's sake. Mr. King clarified Ms. Hamilton's question is that there is a grant of easement that is shown here to the Town from the previous owners;

so now that the ownership has changed what is the status of the easement to the Town from the present owners. Mr. Carroll responded that the change in ownership of the fee of the interest to the grantor has not changed. Mr. King asked Ms. Patrick if there was anything else in the notes that we haven't covered that she would like testimony on. Ms. Patrick stated she thinks the material we have covers everything. Mr. King agreed, noting there is a lot of supplemental material in the application that we haven't put up on the screen, but it is all here as testimony for deliberation and the record.

Public Comment

Mr. King explained the process for public comment. Mr. Cheney stated he lives in the old farmhouse across the intersection from the Chittenden estate. He said the applicant said at one point during the presentation that the trail is going to end at the bridge. He asked what bridge we are talking about. Mr. Cheney added it is not clear to me where the original entrance to the parking area is by looking at that map, it would be nice to clarify that. He asked what the hours of operation for this will be, saying the biggest concern for him is safety. He asked if people are parking there overnight and how is this impacting the flow of traffic on Route 117, which is already a dangerous corner there.

Mr. Alexander asked if tonight's hearing is concerning just the parking lot or changes to the parking lot or about the trail as well.

Mr. King asked Mr. Carroll to respond to the question about the trail ending at a bridge, asking him to be clear about the overall layout. Mr. Carroll indicated the location of the bridge, noting other landmarks in the area to assist with orientation of those present. He explained the rationale for ending the trail at the bridge. Mr. King clarified the bridge in question is the State bridge on Route 117 that crosses the brook. Mr. Carroll agreed, noting the location of the erosion area. He responded to the question about the location of the physical parking area, saying they are closing the original access off and putting a compliant access closer to Skunk Hollow Road. He said it is his proposal at this point in time if there isn't an abuse that this be open as it is now; if there is a problem, we would look towards a custodian to close off the gate over there.

Mr. Carroll stated if we make this compliant, it is our intentions to ask the Vermont State Police to, on their normal patrols, drive in here as part of their normal process; I am encouraging that for any parking area for any of our trails. He said we, as the Trails Committee, need to be good stewards or we are going to have problems getting any additional easements. He added my suggestion to the Trails Committee and to the Town is that we basically have a dusk to dawn rule, same as Mills Riverside Park. Mr. Carroll said that if you are there we want the police to be trained to serve a Trespass Notice, explaining how the notices work. He discussed the use of posts to restrict access by motor vehicles. He said he understands Mr. Cheney's concerns, but this is all fenced with Australian high fence, so people on the trail will be on the other side of the fence. Mr. Carroll discussed the logistical issues with getting through the fenced area and across Route 117, noting what would happen in response to any problems and discussing the trespassing laws.

Mr. King asked Mr. Abbott to explain the present management plan at the other parking areas, for example Mobbs. Mr. Abbott said the management plan is primarily giving public notice, so our intention would be to have a small kiosk to outline conditions of use, noting Mark and Christa don't want dogs on the trail because they are designated organic. He stated they would have a small kiosk detailing what is allowed and what is not. Mr. King asked how do you manage the parking lots at Mobbs. Mr. Abbott responded we don't have any involvement there, that is managed by the Mobbs Committee. He said there is really no active management, other than marking trail and giving an

advisory notice at the parking areas. Mr. King wondered if that is a precedent; asking what are the hours at Mobbs. Mr. Abbott said I don't think there are any. Ms. Patrick said there are hours, they are posted at the Town Garage. She stated there is clear signage in front of every parking space telling what time the gate will close, blocking the exit; the hours vary depending on the time of year. Mr. King clarified that one is gated, but the other one is not.

Ms. Patrick agreed, noting that there are no signs delineating those hours. Mr. King clarified that Mobbs is essentially open and there is a different group that manages that park. Mr. Abbott agreed, saying he thinks the larger goal going forward will be to bring some consistency to any of the areas that we oversee for public trail use. He discussed the goal. Mr. Carroll said in simple terms the rules are to pack it in and to pack it out; noting that in this case there is an organic farm so they have to have notice that you can't defecate on the plants. He stated the dusk to dawn is a good thing, saying the rules will be on the kiosk and in any materials distributed. He discussed the intentions to stop the activity that is going on there now and increase police activity in the area.

Mr. King said he knows there is another, possibly illegal, pull off that is toward the Richmond side of Barber Farm Road. He and those present discussed the location and use. Mr. King said there is another curb cut for the farm road and that is not what we are talking about. Mr. Abbott agreed. Mr. King clarified there are no changes proposed there at all. Mr. Abbott agreed, saying it is not intended to be a parking area. Mr. King said it is contiguous with the easement area. Mr. Carroll agreed. He and Mr. King discussed the pull off places in the area.

Mr. King returned to Mr. Alexander about the permit applications, explaining as follows:

- Site plan approval for the parking area;
- Proposed use, because there is a bridge as part of the use, is general outdoor recreation and requires conditional use approval; and
- Site plan for the parking area as proposed encroaches in the front yard setback in a way that requires a variance.

Mr. King closed the hearing. He explained the applicant will receive a decision within 45 days, but it is usually sooner.

3. Approve minutes from March 10, 2016.

On a motion by Mr. York, seconded by Mr. Flynn, the DRB unanimously approved the minutes from March 10, 2016 as written.

The Development Review Board entered deliberative session at 8:13 p.m.

The Development Review Board adjourned at 9:46 p.m.